

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JULIO RAMOS,	)	4:05CV3247
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
RANDY CROSBY,	)	
MIKE KENNEY,	)	
UNKNOWN CALVIN,	)	
ROBERT HOUSTON,	)	
DAVE HEINEMAN,	)	
FRANK HOPKINS,	)	
JOHN DOE DCS OFFICER, and	)	
OFFICER DOUG JUNE,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. On October 4, 2007, the court entered an order (filing 48) requiring that the plaintiff show cause why this action should not be dismissed as against all defendants other than Doug June.

As of the date of this order, Plaintiffs have failed to comply with the court's order. Accordingly, pursuant to the terms of the court's prior order (filing 48), Fed. R. Civ. P. 41, and NECivR 41.1, the court finds that Plaintiffs' claims against all defendants other than Officer Doug June should be dismissed. The dismissal will be with prejudice as against the defendants Randy Crosby, Mike Kenney, Robert Houston, Dave Heineman, and Frank Hopkins in their individual capacities only, and

will be without prejudice as to those defendants in their official capacities and as to defendant Unknown Calvin in his or her official and individual capacities.

After entry of this order, the only claim remaining is that against Doug June. Based upon the service of process upon Doug June (filing 38) and the pleadings in this case to date, the court understands that this action is brought against Doug June in his individual capacity only. Each party has until December 4, 2007 to show cause why this action should proceed against Doug June in both his official and individual capacities. In the absence of cause shown, this action will be dismissed without further notice and without prejudice as against Doug June in his official capacity and the only remaining claim will be the claim against Doug June in his individual capacity.

**IT IS ORDERED:**

1. This case is dismissed as follows: with prejudice as against the defendants Randy Crosby, Mike Kenney, Robert Houston, Dave Heineman, and Frank Hopkins in their individual capacities only; without prejudice as to defendants Randy Crosby, Mike Kenney, Robert Houston, Dave Heineman, and Frank Hopkins in their official capacities; and without prejudice as to defendant Unknown Calvin in his or her individual and official capacities;

2. The sole remaining defendant in this action is Doug June. Each party has until December 4, 2007 to show cause why this action should proceed against Doug June in both his official and individual capacities. In the absence of cause shown, this action will be dismissed without further notice and without prejudice as against Doug June in his official capacity and the only remaining claim will be the claim against Doug June in his individual capacity.

3. Judgment shall be withheld until resolution of the action against Officer June.

November 14, 2007

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge